

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE G. BIKSHAPATHY**

**And**

**THE HON'BLE MR JUSTICE P.S.NARAYANA**

**WRIT PETITION NO : 4822 of 2005**

Between:

M. Pratap Reddy S/o Late Ramachandra Reddy, Retired SA-II, H.M.  
UPS Lingareddypally, R/o H. No. 12-3-193, Medak Road,  
Siddipet, Medak District.

**..... PETITIONER**

AND

- 1 The Government of A.P., represented by its Secretary, School Education Department, Hyderabad.
- 2 The District Collector/Chairman, DPEP Medak/Special Officer, Z.P. Medak at sangareddy.
- 3 The District Educational Officer, Medak District at Sangareddy.
- 4 The Chief Executive Officer, Zilla Parishad Medak District at Sangareddy.
- 5 The Mandal Parishad Development Officer, Mandal Parishad, Siddipet, District Medak.
- 6 Sri Jilla Premanandam, Mandal Educational Officer Mandal Parishad, Siddipet, District Medak.
- 7 Sri. I. Balaiah, S.A. II, Retired Teacher, C/o MPDO Mandal Parishad, Siddipet District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order, or directions more in the nature of Writ of Mandamus, declaring the actions of the respondents for disobeying in implementing the directions of the Hon'ble A.P. Administrative Tribunal in O.A. No. 2681/2001 dt 10-01-2003 and not

paying the pension, pensionary benefits w.e.f. 1-9-2001 on wards and also not paying fixation arrears as per the letter No. E1/211/98 dt 1-7-2003 for the 6th respondent to the petitioner, inspite of having received the respondents legal notices and Lr. No. 13970/B5/2003 dt 31-12-2004 of the 3rd respondent for the payment of the amount due to the petitioner, the respondents failed to make payments for which the actions of the respondents is illegal, arbitrary and unconstitutional and consequently direct the respondents to fix and pay pension, pensionary benefits w.e.f. 1-9-2001 onwards and also pay fixation arrears due for the payment to the petitioner as per Lr. No. E1/211/98 dt 1-7-2003 together with interest for the inordinate delay caused on account of administrative lapses (G.O.Ms. No. 185 F & P dt 9-11-1992) and also pay, and pass such other orders as are necessary in the interest of justice.

**Counsel for the Petitioner: PARTY-IN-PERSON**

**Counsel for Respondents 1 to 3 and 5: G.P. FOR SERVICES-I.**

**Counsel for the Respondents 4, 6 and 7: SMT.JYOTHI ESWAR GOGINENI**

**The Court made the following:**

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ORAL ORDER: (per GB.J.)

The Writ Petition is filed seeking Writ of Mandamus declaring the action of the respondents for disobeying in implementing the directions of A.P. Administrative Tribunal (for short Tribunal) in O.A.No.2681 of 2001, dated 10.1.2003 and not paying the pension, pensionary benefits with effect from 1.9.2001 onwards and also not paying fixation arrears as per the letter No.E1/211/98, dated 1.7.2003 of the 6<sup>th</sup> respondent to the petitioner, in spite of having received the respondents legal notices and Lr.No.13970/B5/2003, dated 31.12.2004 of the 3<sup>rd</sup> respondent for the payment of the amount due to the petitioner, the respondents failed to make payments for which the actions of the respondents is illegal, arbitrary and unconstitutional and consequently direct the respondents to fix and pay pension, pensionary benefits with effect from 1.9.2001 onwards and also pay fixation arrears due for the payment to the petitioner as per Lr.No.E1/211/98, dated 1.7.2003 together with interest for the inordinate delay caused on account of administrative lapses (G.O.Ms.No.185, F&P, dated 9.11.1992 and also pay and pass such other suitable orders.

2. The party-in-person has approached this Court seeking a different and distinct relief. In the earlier O.A.No.2681 of 2001, which was filed by the party-in-person was disposed of by the Tribunal with the following directions:

“In the circumstances, the period during which the applicant was forced not to work has to be treated as compulsory wait for posting orders and he has to be paid salary for that period. Necessary action should be taken against the then MPDO and if necessary against the then DEO, fixing up the responsibility on the concerned officials and take appropriate action and a direction is given to this effect to make necessary inquiry into the matter and whatever financial loss that is caused for this has to be fixed on the concerned and even though the Government has to pay salary initially, if necessary, the amount can be recovered from those persons fixing up the responsibility and necessary action should be initiated within a period of three months

from the date of receipt of copy of this order”.

3. Since the above order was not implemented, the petitioner herein filed C.A.No.715 of 2003, wherein it was stated by the official respondent that a sum of Rs.95,166/- was paid. It is seen that the above C.A. was closed. Under these circumstances, we find that the Writ Petition itself is not maintainable.

4. Accordingly the Writ Petition is dismissed. However, we leave it open to the petitioner to approach the Tribunal seeking other reliefs like pension, difference of pay, promotion etc., if he so chooses. No costs.

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(G.BIKSHAPATHY, J.)

24<sup>th</sup> March, 2005.

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SSR (P.S.NARAYANA, J.)

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Secretary, School Education Department, Government of A.P., Hyderabad.
- 2 The District Collector/Chairman, DPEP Medak/Special Officer, Z.P. Medak at Sangareddy.
- 3 The District Educational Officer, Medak District at Sangareddy.
- 4 The Chief Executive Officer, Zilla Parishad Medak District at Sangareddy.
- 5 The Mandal Parishad Development Officer, Mandal Parishad, Siddipet, District Medak.
- 6 Sri Jilla Premanandam, Mandal Educational Officer, Mandal Parishad, Siddipet, District Medak.

7 The Registrar, A.P. Administrative Tribunal, Hyderabad.

8 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

9 2 CD copies

*Form-NIC-OGS/WP{**TRT**}*